

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD)(SN)
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This document relates to:

Marinella Hemenway, et al. v. Islamic Republic of Iran, No. 1:18-cv-12277 (GBD) (SN)
BNY Mellon, et al. v. Islamic Republic of Iran, No. 1:19-cv-11767 (GBD) (SN)
Deborah Bodner, et al. v. Islamic Republic of Iran, No. 1:19-cv-11776 (GBD) (SN)
August Bernaerts, et al. v. Islamic Republic of Iran, No. 1:19-cv-11865 (GBD) (SN)
Ber Barry Aron, et al. v. Islamic Republic of Iran, No. 1:20-cv-09376 (GBD) (SN)
Jeanmarie Hargrave, et al. v. Islamic Republic of Iran, No. 1:20-cv-09387 (GBD) (SN)
Michael Bianco, et al. v. Islamic Republic of Iran, No. 1:20-cv-10902 (GBD) (SN)

**PLAINTIFFS' NOTICE OF MOTION FOR PARTIAL FINAL JUDGMENT FOR
DAMAGES ON BEHALF OF THE PLAINTIFFS IDENTIFIED IN EXHIBITS A**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and Declaration of Jerry S. Goldman, Esq. ("Goldman Declaration") with the exhibits appended relating to damages, certain of the plaintiffs in the above-referenced matters who are identified in annexed Exhibits A-1 to A-7 (collectively, "Exhibits A") to the Goldman Declaration ("Moving Plaintiffs"), by and through their counsel, Anderson Kill, P.C., respectfully move this Court for an ORDER:

(1) determining that service of process in the above-captioned matters was properly effected upon Defendant Islamic Republic of Iran ("Iran") in accordance with 28 U.S.C. § 1608(a) for sovereign defendants and 28 U.S.C. § 1608(b) for agencies and instrumentalities of sovereign defendants;¹ AND,

¹ This only applies for the plaintiff in this motion in the above-referenced 2018 matter.

(2) awarding the Moving Plaintiffs judgments against Iran as to damages in the same amounts previously awarded by this Court to various similarly situated plaintiffs in *O'Neill*, *Burnett*, *Havlish*, *Ashton*, *Bauer*, and other cases; AND,

(3) an order determining that:

- (a) Joan Ruth Puwalski is the functional equivalent of a spouse of Steven J. Bates, who died in the terrorist attacks on September 11, 2001; AND,
- (b) Laura Nogaj is the functional equivalent of a spouse of Stephen Philip Morris, who died in the terrorist attacks on September 11, 2001; AND,
- (c) Jude Monteserrato a/k/a Judith Monteserrato is the functional equivalent of a spouse of John Michael Sbarbaro, who died in the terrorist attacks on September 11, 2001; AND,
- (d) Janice Dukes is the functional equivalent of a spouse of Donnie Taylor, who died in the terrorist attacks on September 11, 2001; AND,
- (e) Jesse Kemp is the functional equivalent of a child of Timothy Haviland, who died in the terrorist attacks on September 11, 2001; AND,
- (f) Nicholas Kemp is the functional equivalent of a child of Timothy Haviland, who died in the terrorist attacks on September 11, 2001; AND,

- (g) Maureen Sullivan is the functional equivalent of a spouse of Derek O. Sword, who died in the terrorist attacks on September 11, 2001; AND,
- (h) Karen Carlucci is the functional equivalent of a spouse of Peter Frank, who died in the terrorist attacks on September 11, 2001; AND,
- (i) Lucy Aita is the functional equivalent of a spouse of Paul Innella, who died in the terrorist attacks on September 11, 2001; AND,
- (j) Cristal Barragan is the functional equivalent of a child of Moises Rivas, who died in the terrorist attacks on September 11, 2001; AND,
- (k) Katherin Pleitez is the functional equivalent of a child of Moises Rivas, who died in the terrorist attacks on September 11, 2001; AND,
- (l) Denyse Betcher is the functional equivalent of a child of Paul Ruback, who died in the terrorist attacks on September 11, 2001; AND,
- (m) Danny J. Marino is the functional equivalent of a child of Paul Ruback, who died in the terrorist attacks on September 11, 2001; AND,
- (n) Natalie Pollack is the functional equivalent of a child of Louis F. Aversano, Jr., who died in the terrorist attacks on September 11, 2001; AND,

(o) Jamielah Persol is the functional equivalent of a spouse of DaJuan Hodges, who died in the terrorist attacks on September 11, 2001; AND,

(4) awarding solatium damages to the Moving Plaintiffs in the amounts of \$12,500,000 per spouse and \$8,500,000 per child, as set forth in annexed Exhibits A; AND,

(5) awarding the Moving Plaintiffs prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment for damages; AND,

(6) granting the Moving Plaintiffs permission to seek punitive damages, economic damages, and other appropriate damages, at a later date; AND,

(7) granting permission for all other Plaintiffs in these actions not appearing in annexed Exhibits A to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed; AND,

(8) granting to the Moving Plaintiffs such other and further relief as this Honorable Court deems just and proper.

Plaintiffs' request is made in connection with the judgments on default as to liability entered or sought against Iran as follows:

CASE NAME	CASE NO.	DATE MOTION FOR LIABILITY WAS FILED	ECF NO. FOR MOTION FOR LIABILITY THAT WAS FILED	DATE MOTION FOR LIABILITY WAS GRANTED	ECF NO. FOR MOTION FOR LIABILITY THAT WAS GRANTED
<i>Marinella Hemenway, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-12277 (GBD) (SN)	08/14/2019	ECF No. 4856	09/03/2019	ECF No. 5054
<i>August Bernaerts, et al. v. Islamic Republic of Iran</i>	No. 1:19-cv-11865 (GBD) (SN)	11/12/2021	ECF No. 7329	01/04/2022	ECF No. 7522
<i>BNY Mellon, et al. v. Islamic Republic of Iran</i>	No. 1:19-cv-11767 (GBD) (SN)	11/12/2021	ECF No. 7329	01/04/2022	ECF No. 7522
<i>Deborah Bodner, et al. v. Islamic Republic of Iran</i>	No. 1:19-cv-11776 (GBD) (SN)	11/12/2021	ECF No. 7329	01/04/2022	ECF No. 7522
<i>Jeanmarie Hargrave, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-09387 (GBD) (SN)	11/12/2021	ECF No. 7329	01/04/2022	ECF No. 7522
<i>Michael Bianco, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-10902 (GBD) (SN)	11/12/2021	ECF No. 7329	01/04/2022	ECF No. 7522
<i>Ber Barry Aron, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-09376 (GBD) (SN)	11/12/2021	ECF No. 7329	01/04/2022	ECF No. 7522

Dated: New York, New York
January 13, 2022

Respectfully submitted,

/s/ Jerry S. Goldman

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